## FACSIMILE TRANSMISSION

FROM:

Christine A. Gritzmacher

Gen-Probe Incorporated 10210 Genetic Center Drive San Diego, California 92121

Phone No.: 858-410-8926 Facsimile No.: 858-410-8928 TO:

Commissioner for Patents

P.O. Box 1450

U.S. Patent & Trademark Office Facsimile No.: 703-872-9306

RECEIVED
CENTRAL FAX CENTER

**JAN 3 1 2005** 

Number of pages (including this cover page): 6

In re patent application of:

Group Art Unit: 1645

NORMAN et al.

Examiner: Baskar, P.

Appln. No. 10/712,654

Confirmation No. 8961

Filed: November 12, 2003

Docket No.: GP141-03.UT

Title: ASSAY AND COMPOSITIONS FOR

DETECTION OF BACILLUS
ANTHRACIS NUCLEIC ACID

Date: January 31, 2005

## IDS via Facsimile includes the following documents:

- 1. Information Disclosure Statement under 37CFR 1.97(b) 2 pg-
- 2. Transmittal form PTO/SB/22 1 pg.; and
- 3. Form/SB/08A (1 page in duplicate) 2 pg.

I hereby certify that this correspondence, along with the attached documents, is being facsimile transmitted to the US Patent and Trademark Office (FAX No. 703-872-9306) on the date indicated below.

Date: <u>January 31, 2005</u>

Christine A. Gritzpache Registration No. 40,627

PTQ/\$B/21 (09-04)

			u.s.	Setont and To	adamork O	or use through 07/31/2006, OMB 0651-0031  office; U.S. DEPARTMENT OF COMMERCE
Under the Page	enwork Reduction Act	<u>raf 1995. na person</u>	Application Number	10/712,654		less it displays a valid OMB control number.
TD.	ANSMITTA	<b>1</b> 1	Filing Date	Nov. 12, 20	103	RECEIVED
FORM		First Named Inventor	Sylvia A. N		CENTRAL FAX CENT	
	1 OKW		Art Unit	1645		0 1 2009
			Examiner Name	Baskar, P.	_	<del> јан з 1 2005</del>
	ili correspondenco afi	1.	Attorney Docket Number	GP141-03.	UT	
Total Number of	Pages in This Submis	ssion 6		GF 141-03.		
		ENC	LOSURES (Check al	that apply		After Allowance Communication to TC
Amendme Af Af  Extension  Express A  Information  Certified Cocumen	ter Final fidavits/declaration of Time Request Abandonment Reque on Disclosure State Copy of Priority of(s)	uest	Drawing(s) Licensing-related Papers  Petition Petition to Convert to a Provisional Application Power of Attorney, Revocati Change of Correspondence Terminal Disclaimer Request for Refund  CD, Number of CD(s)  Landscape Table on Carks	Address	Facsin	Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information Status Letter Other Enclosure(s) (please Identify below): mile cover sheet PTO/SB/08 in duplicate (2 pgs.)
Incomple	Missing Parts/ te Application epty to Missing Pai nder 37 CFR 1.52	or 1.53	OF APPLICANT, ATT	ORNEY, (	OR AGE	ENT
irm Name	Gen-Probe Incor	porated				
Signature	Christi	ne a. G	ntzoucher			
Printed name	Christine A. Gritz	macher /	0 (		_	
Date	January 31, 2005	5		Reg. No.	40,627	
I hereby certify the sufficient postage the date shown be	e as first class mai	lamas is baing for	ICATE OF TRANSMIS simile transmitted to the USF addressed to: Commissioner	TO or depo	sited with	the United States Postal Service with 1450, Alexandria, VA 22313-1450 on
Signature	Ch	risma G	ast maches			
Typed or printed	nama Christin	e A. Gritzmache:			1	Date January 31, 2005

This collection of Information is required by 37 CFR 1.5. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gothering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the Individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO Compressionary for Patents. P.O. Box 1450, Alexandria, VA 22313-1450. ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applica	ants:	Norman et al.	)	Examiner: Baskar, P.	
Serial l	No.	10/712,654	)	Group Art Unit: 1645	
Filed:		November 12, 2003	)	Confirmation No. 8961	
	FOR I	Y AND COMPOSITIONS DETECTION OF BACILLUS IRACIS NUCLEIC ACIDS	) ) )	Docket No.: GP141-03.UT	RECEIVED CENTRAL FAX CENTER
			TO COY C	NOTITE OF A TEMPNIT	JAN 3 1 2005

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR § 1.97(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Applicant brings to the Examiner's attention the references listed on the attached form PTO/SB/08A (two copies) for consideration in connection with the examination of the above-identified application.

This Information Disclosure Statement (IDS) is being submitted under 37 C.F.R. § 1.97(b) before the mailing date of a first Office action on the merits.

If Applicants are mistaken, and a first Office action on the merits was mailed on or before the certified date of transmission indicated below, then Applicants request that this Information Disclosure Statement be treated as a transmission under 37 C.F.R. 1.97(c). Accordingly, no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in §1.56(c)

Page 1 of 2

INFORMATION DISCLOSURE STATEMENT

Serial No. 10/712,654 Filed: November 12, 2003 Atty. Docket No. GP141-03.UT

more than three months prior to the filing of this IDS. If any fee is due under 37 C.F.R. § 1.17(p), then Applicants hereby authorize that it be charged to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicant respectfully requests that the Examiner indicate consideration of each cited reference by returning a copy of the attached form PTO/SB/08A with the Examiner's initials or other appropriate marks.

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being facsimile transmitted (FAX No. 703-872-9306) to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

Dated: January 31, 2005

Reg. No. 40,627

GEN-PROBE INCORPORATED

Patent Department

10210 Genetic Center Drive

San Diego, California 92121

Tel.: (858) 410-8926

FAX: (858) 410-8928

Page 2 of 2

PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

nder the Paperwork Reduction Act of 1995, no persons are required t	Col	mplete if Known
Substitute for form 1449/PTO	Application Number	10/712,654
	Filing Date	Nov. 12, 2003
INFORMATION DISCLOSURE	First Named Inventor	Sylvia A. Norman
STATEMENT BY APPLICANT	Art Unit	1645
(Use as many shoots as necessary)	Examiner Name	Baskar, Padmavathi
et  1 of  1	Attorney Docket Number	GP141-03.UT

			U <u>, S. PATEN</u> 1	DOCUMENTS	
Examiner City Initials* No.		Document Number  Number-Kind Code <sup>2 (*Annum)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Rolovant Passages or Relevant Figures Appear
	-	US- 6,811,984 B1	11-02-2004	Rastogi et al.	
		US- 6,846,633 B1	01-25-2005	Rastogi et al.	
		ŲŠ-			
		U\$-			
		US-			
		uŝ-			
		US-			
		ŲS-			
		US-			
		US-			
		US-			
		U\$-			
		US-			
		US-			
Ĭ		US-			
		US-			

	FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Possages Of Relevant Figures Appear	<b>و</b> ب	
		Country Code <sup>3</sup> "Number * "Kind Code <sup>6</sup> (if known)	MM-DD-YYYY		Of Kipevanit Figures Appear	<del> </del>	
						┢━	
					-	${f  o}$	
	├						
	-						
-	†					匚	

Examiner Date Consider Signature	rod

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 509. Draw line through citation if not in conformance and not considered, Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). Soo Kinds Codes of USPTO Parent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For tapancee patent documents, the Indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document undor WIPO Standard ST.18 if possible. Applicant is to place a check mark here if English language Translation is stached.

Translation is stached.

This collection of Information is required by S7 CFR 1.97 and 1.98. The Information is required to obtain or retain a benefit by the public which is to tile (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, useful or process, an application, Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gatnoring, preparing, and submitting the completed application from the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Tredemark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in complaint the form call 1-800-PTO-9199 (1-800-788-9199) and select collect 2

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

of 1

Attorney Docket Number | GP141-03.UT

PTO/SB/08A (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number. Complete if Known Substitute for form 1449/PTO Application Number 10/712,654 Filing Date Nov. 12, 2003 INFORMATION DISCLOSURE First Named Inventor Sylvia A. Norman STATEMENT BY APPLICANT Art Unit 1645 (Use as many sheets as necessary) Examiner Name Baskar, Padmavathi

Sheet T1 U. S. PATENT DOCUMENTS Pages, Columns, Lines, Wherc Relevant Passages or Relevant Name of Patentee or Publication Date Document Number Examiner Cite MM-DD-YYYY Applicant of Cited Document Initials\* Figures Appear Number-Kind Code<sup>2 of Answerd</sup> <sup>US-</sup> 6,811,984 B1 11-02-2004 Rastogi et al. <sup>US-</sup> 6,84<u>6,633</u> B1 01-25-2005 Rastogi et al. ÜS. US-US US-บริ-UŜ us. USus. US-US-Ų5-US-Ù\$-US US. LIS.

		FORE	GN PATENT DOCU	MENTS		
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages	
71114		Country Code <sup>3</sup> "Number" "Kind Code <sup>3</sup> (# know <u>n)</u>	MM-DD-YYYY		Or Relevant Figures Appear	H
	ļ				<del>-</del>	
	-					
						╚
	1	1	1			

	 Date	1
Examiner	Considered	1
Signature	1	

\*EXAMINER: Initial if reterence considered, whether or not citation is in conformance with MPEP 609. Draw line through clistion if not in conformance and not considered. Include copy of this form with next communication to applicant. 'Applicant's unique citation designation number (optional), 'See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspic.gov">www.uspic.gov</a> or MPEP 901.04. 'Enter Office that Issued the document, by the two-letter code (WIPO Standard ST.3). 'For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 'Kind of document by the symbols as indicated on the document under WIPO Standard ST.18 if possible. 'Applicant is to place a check mark here if English Isinguage See Kinds Codes of

Translation is attached.

This collection of Information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a bonefit by the public which is to file (and by the This collection of Information is required to 2 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C., 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, USPTO to process) an application. Confidentiality is governed by 35 U.S.C., 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, uspection from to the USPTO. Time will vary depending upon the individual case. Any comments including gathering, preparing, and submitting the complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.